

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Case No. CR-3-05-92(2)

AYO WA-TENZA

District Judge Thomas M. Rose

Defendants.

**ENTRY AND ORDER FINDING DEFENDANT'S MOTION TO
SUPPRESS MOOT (DOC. #44)**

This matter comes before the Court pursuant to Defendant's Motion to Suppress (Doc. #44) filed September 28, 2005, and his subsequent post hearing Memorandum in Support of Motion to Suppress (Doc. #84) filed November 3, 2006.

The Court conducted a hearing December 1, 2005 on said Motion to Suppress. Although the testimony at said hearing indicated that the Defendant made statements at a hospital, in a cruiser and at the police station, counsel for the Defendant indicated that this Motion was directed at the "small talk" statements allegedly made by the Defendant upon his arrest at the hospital and prior to his interview statements at the police department which could be used in an attempt to infer that the Defendant was evading the Secret Service officers.

In response, counsel for the Government represented that she did not intend to introduce any "small talk" statements which could be used in an attempt to infer that the Defendant was evading the Secret Service officers.

Therefore, the Court, conditioned on its understanding that the Government does not intend to introduce the “small talk” statements made by the Defendant prior to being Mirandized at the police station and that Defendant’s Motion is not directed at the statements made by Defendant after he was Mirandized at the police station, finds Defendant’s Motion to Suppress moot.

IT IS SO ORDERED.

November 27, 2006

s/THOMAS M. ROSE

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE